

ARBITRATION CERTIFICATION PROGRAM

If you have gone through a state-certified arbitration program and have a complaint concerning the operation of the program, you may contact the Arbitration Certification Program, Department of Consumer Affairs, 401 S Street, Suite 201, Sacramento, CA 95814; (916) 323-3406. This agency determines whether a manufacturer - sponsored arbitration program should be state certified and monitors the program's procedures to ensure that consumers are being afforded a fair and expeditious resolution to their disputes. State certification is granted when an arbitration program demonstrates that it substantially complies with federal and state laws and regulations. The Arbitration Certification Program does not review programs' decisions.

FOR MORE INFORMATION ON THE
LEMON LAW YOU MAY CONTACT
THE CALIFORNIA DEPARTMENT OF
CONSUMER AFFAIRS AT (800) 952-5210 OR
AT ITS WEBSITE WWW.DCA.CA.GOV
AND REQUEST THE PUBLICATION
"LEMON-AID FOR CONSUMERS"

CALIFORNIA'S CERTIFIED ARBITRATION PROGRAMS

Better Business Bureau

AUTOLINE
(800) 955-5100

AM General, General Motors
(Buick, Cadillac, Chevrolet, GMC,
Geo, Pontiac, & Oldsmobile),
BMW (BMW & Mini Cooper),
Honda/Acura, Hyundai,
Isuzu, Land Rover, Nissan/Infiniti,
Rolls Royce/Bentley, Saab,
Saturn, Volkswagen/Audi, and
Workhorse Custom Chassis.

Dispute Settlement Board

(800) 688-2429

Ford, Lincoln & Mercury

California Dispute Settlement Program

Toyota (888) 300-6237

Customer Arbitration Program Recreational Vehicles

(800) 279-5343

Coachmen, Georgie Boy, Country Coach,
and National RV (Includes all models
except for those on a Ford chassis and
Towables).

NEW MOTOR VEHICLE BOARD

State of California Arnold Schwarzenegger, Governor
Business, Transportation and Housing Agency
Sunne Wright McPeak, Secretary
Department of Motor Vehicles Joan Borucki, Director



Consumer Mediation Services Program

The California New Motor Vehicle Board, has the authority to mediate disputes of all types between members of the public and new vehicle dealers and manufacturers. The Board has jurisdiction over new cars, trucks, motorcycles, ATV's and RVs. The Board's goal is to amicably reach a mutually acceptable settlement between the parties by acting as a liaison. The Board does not have enforcement authority and cannot order the manufacturer or dealership to replace a vehicle or refund the purchase price. Oftentimes, however, the Board's mediation efforts do result in an acceptable resolution of the dispute. Also, the information gathered through the Board's mediation efforts may be useful to the consumer in arbitration or a court hearing.

The Mediation Services Program offers free assistance to consumers who are involved in a dispute with a new car dealership or manufacturer. Typically, the Board handles complaints arising from the sales/lease agreement or mechanical/warranty problems with the vehicle. The primary objective of the program is to provide consumers with information that will allow them to understand their situation and to let them know the options available to them. Consumers may contact the Board and speak with a representative and request a mediation complaint form if they wish to have their dispute mediated. Mediation is facilitated through the Board by the Mediation Services Representatives who remain neutral in order to effectively act as intermediaries in consumer disputes. Communication between all parties in the dispute, by telephone and by written correspondence, is requested and encouraged. Mediation Services Representatives are not attorneys and do not render a legal opinion or give legal advice.



THE LEMON LAW

Many consumers contact the Board seeking information on the “Lemon Law.” **This office does not have enforcement powers regarding this law.** The Tanner Consumer Protection Act (commonly referred to as the Lemon Law), California Civil Code section 1793.22, is enforceable in a State Certified Arbitration Program or a civil court of law. The Lemon Law gives a consumer the presumption that their vehicle is defective if the manufacturer or its representative is unable to repair the vehicle to conform to the applicable express warranties after a reasonable number of attempts. The law creates a legal presumption that the manufacturer has had a reasonable number of attempts to conform the vehicle to its applicable express warranties if, within the first 18 months or the first 18,000 miles, whichever occurs first, one or more of the following occurs:

(1) The same nonconformity results in a condition that is likely to cause death or serious bodily injury if the vehicle is driven and the nonconformity has been subject to repair two or more times by the manufacturer or its agents, and the buyer or lessee has at least once directly notified the manufacturer of the need for the repair of the nonconformity.

(2) Four or more unsuccessful repair attempts have been made on the same nonconformity (a defect or malfunction which substantially impairs the use, value, or safety of the vehicle to the buyer or lessee).

(3) The vehicle is out of service for a total of more than 30 days (not necessarily consecutive days) by reason of the repair of the nonconformities.

AND

The buyer has at least once directly notified the manufacturer of the need for the repair of the nonconformity.

If all of these criteria are met, it is **presumed** that your vehicle is a lemon. However, this is a **rebuttable presumption**, and the manufacturer is entitled to prove that no problem exists, that a reasonable number of repair attempts has not been made, or that the problem does not substantially impair the vehicle's use, value, or safety.

If the manufacturer provides a state-certified arbitration program, the consumer must submit the dispute to that program before using the Lemon Law presumption in a court of law.

WHAT TO DO IF MEDIATION DOESN'T WORK

If mediation is unsuccessful, the Mediation Representative will provide the consumer with information regarding alternative methods for resolving their dispute. The next logical step for resolving a dispute is arbitration. Arbitration is only available for disputes with the manufacturer, and is a process whereby the consumer and the manufacturer agree to permit a third party to render a decision in a dispute between them. The decisions of the arbitration panels are binding on the manufacturer, but not the consumer. Consumers should check their vehicle owners manual or warranty information pamphlet to determine if the manufacturer offers arbitration. If the decision of the arbitration panel isn't satisfactory to the consumer, the next course of action is to consult with a private attorney regarding possible legal remedies in a court of law.

You may obtain a mediation request form by calling (916) 445-1888, by E-mail at nmvp@pacbell.net, online at nmvp.ca.gov website or by writing to the New Motor Vehicle Board Mediation Services Program 1507 - 21st Street, Suite 330 Sacramento, California 95814

WHAT A CONSUMER SHOULD DO

If a consumer is involved in a dispute with a dealership or manufacturer, he or she should first try to resolve the problem directly with the involved parties. All contact with the parties should be documented, and any contact with the manufacturer with regard to a mechanical problem with its product should be in writing and sent to the manufacturer via certified mail/return receipt requested. Accurate record keeping is a key element in resolving a dispute.

FACTS

There is no three-day cooling-off period in California for the purchase/lease of a vehicle. Once a contract is entered into, generally, the consumer is legally bound to it.

• Service Contracts may be canceled and the consumer entitled to a full refund within 60 days for a new vehicle or 30 days for a used vehicle. The consumer must provide written notification of his or her cancellation of the contract to the dealership within these time periods. If a claim has been made against the contract, the consumer is entitled to a pro-rata refund.

• The dealership is obligated to provide a consumer with a copy of any warranty work orders after completing the repair.

• If a consumer purchases a vehicle that has been reacquired by the manufacturer due to a warranty defect, the consumer must be notified of the reason that the vehicle was reacquired before he or she enters into a contract to purchase it. The vehicle must have a “Lemon Law Buy Back” decal affixed to the left door frame.